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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,883	10/29/2003	Nobuyuki Akai	OGA-208-USAP	4096
28892	7590	01/24/2006	EXAMINER	
SNIDER & ASSOCIATES			SMITH, PHILIP ROBERT	
P. O. BOX 27613			ART UNIT	
WASHINGTON, DC 20038-7613			PAPER NUMBER	

3739

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/694,883

Applicant(s)

AKAI, NOBUYUKI

Examiner

Philip R. Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,4,9 and 10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4,9 and 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **Continued Examination Under 37 CFR 1.114**

[01] A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/30/2005 has been entered.

### **Drawings**

[02] Objections to the drawings are withdrawn; the offending term, "angle ring," has been struck.

### **Claim Objections**

[03] Claim 4 is objected to because of the following informalities: "the patient-side connector circuit section" lacks antecedent basis and will be interpreted "a patient-side connector circuit section." Appropriate correction is required.

### **Claim Rejections - 35 USC § 112**

[04] Previous rejections are withdrawn in view of the amendments of 11/30/2005.

**Claim Rejections - 35 USC § 102**

- [05] The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
- [06] Claims 1, 4 & 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsuji.
- [07] Amended claims 1 & 4 incorporate the subject matter of claims 3 & 6 respectively (both now cancelled), and are rejected substantially for the reasons set forth in the Office action of 8/30/2005.
- [08] Additionally, Applicant specifies that the static-electricity suppressing part is a "surge absorber," and that the surge absorber is "arranged to said scope." The capacitor arranged to the scope disclosed by Tsuji anticipates the surge absorber arranged to the scope recited by the Applicant.
- [09] With regard to claims 9-10: As noted in the Office action of 5/4/2005, Tsuji discloses a shield box ("metal frame 82") to which is connected an outer shield ("CCU 4," shown in Fig. 1) which inherently covers signal lines.

**Response to Arguments**

- [10] Applicant's arguments filed 11/30/2005 have been fully considered but they are not persuasive. Applicant asserts that the recitation of a surge absorber defines over the reference of record. As noted above, Tsuji's capacitor anticipates a "surge absorber."

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[11] Applicant further asserts that the capacitors C1 and C2 are "arranged to the camera control unit," which is different from the recited surge absorber, which is "arranged to the scope." The position is taken that the language "arranged to" can be broadly interpreted such that capacitor C1 and C2 are "arranged to" not only the camera control unit disclosed by Tsuji, but the scope as well, in addition to any and all additional structures disclosed by Tsuji. The "TV monitor 5" for instance, is "arranged to" the capacitors C1 and C2.

[12] Applicant further asserts that "the ground of the secondary circuit (35) [in Tsuji's device] does not touch or in any way connect to the earth ground to which 4CCU (Figure 1) is connected." It is not clear how this relates to the recited claim language: "a surge absorber which is provided between the said sheath metal member of said scope and said processor device housing ground." It is maintained that "chassis 86" anticipates a "processor device housing ground," as noted in the Office action of 5/4/2005, and that capacitor "C2" anticipates a surge absorber which is provided between the chassis 86 and a "sheath metal member" as recited.

[13] Applicant further contends that "Applicant uses a surge absorber which is very different from a capacitor." This is not consistent with Applicant's specification, which discloses "a generally known static-electricity-suppressing element (suppressor) utilizing a surge absorber or an air gap," and provides no insight into the particular impedance or frequency characteristics of the specified "surge absorber." As for providing static electricity a path to ground, i.e. absorbing a

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surge, it is maintained that a capacitor provides such a function, as would something so fundamental as a length of copper wire. Applicant asserts that "static electricity is not of a high frequency which is required for current to flow through capacitors," while providing no evidence. It is maintained that static electricity is:

[13a] (a) primarily composed of high frequencies, in which case a capacitor anticipates a surge absorber; or

[13b] (b) if not primarily, then at least partially composed of high frequencies, in which case a capacitor anticipates a surge absorber.

[14] In any case, as evidence, Witehira et al (5,175,484) discloses a "zener diode 94 [which] define[s] one form of spike protection." Witehira further discloses that "[a]lternatively, the zener diode may be replaced by a metal oxide varistor or capacitor" (10/51-62). In reduction to practice, it is conventional to use commonly-known alternatives.

### **Conclusion**

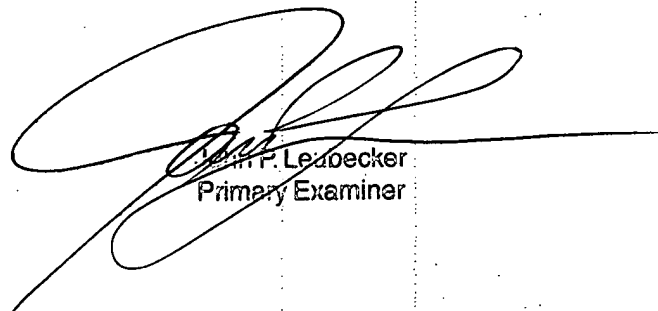
[15] Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip R. Smith whose telephone number is (571) 272 6087 and whose email address is philip.smith@uspto.gov. The examiner can normally be reached between 9:00am and 5:00pm.

[16] If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda Dvorak can be reached on (571) 272 4764.

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[17] Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

[18] Prs



John P. Leubecker  
Primary Examiner